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BENCHMARK

ANNUAL REPORT OF THE SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM FISCAL YEAR 1981

(July 1980 through June 1981)

Compiled and published by
SOUTH DAKOTA
STATE COURT ADMINISTRATOR'S OFFICE
PIERRE, SOUTH DAKOTA

JANUARY, 1982

South Dakota Unified Judicial System

MARK G. GEDDES
Administrator

STATE COURT ADMINISTRATOR'S OFFICE
STATE CAPITOL
PIERRE, SD 57501
(605) 773-3474

The Honorable Chief Justice and the
Associate Justices of the Supreme Court
of the State of South Dakota,

The Distinguished Members of the
South Dakota Legislature, and

His Excellency, the Governor of
South Dakota

Your Honors:

I respectfully transmit herewith our fiscal year 1981 Benchmark, the annual report of the Unified Judicial System. In addition to the functional descriptions of component offices, and statistical information, the publication this year includes a special appendix on court services alternative care placement, and related costs, by judicial circuit.

We acknowledge our appreciation to the clerks of court and court services officers throughout the state, who submitted most of the data contained herein, and the staff personnel who cooperated in the compilation and publication of the report.

Respectfully submitted,

Mark G. Geddes

Mark G. Geddes
State Court Administrator

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SOUTH DAKOTA COURTS, JUDGES AND JURISDICTIONS

SUPREME COURT

Five justices appointed (according to Constitutional amendment passed in 1980) and subject to electorate approval every eight years. Retirement at age seventy.

Court term coincides with calendar year.

Has appellate jurisdiction over circuit court decisions.

Has original jurisdiction in cases involving interests of state. Issues original and remedial writs.

Has rule-making power over lower court practice and procedure, exercised primarily through Chief Justice.

Renders advisory opinions to the Governor, at his request, on issues involving executive power.

CIRCUIT COURTS

Eight circuits served by thirty-six judges, who are elected at-large from within their respective circuits for an eight-year term.

Trial courts of original jurisdiction in all civil and criminal actions. Exclusive jurisdiction in felony trials and arraignments, and all types of civil action except those areas of concurrent jurisdiction shared with magistrate courts, listed below. Appellate jurisdiction over magistrate court decisions.

MAGISTRATE COURTS

Lay Magistrate:

Appointed by the presiding judge for an indefinite term. The magistrate function is performed by most clerks of court. Training program provided by the State Court Administrator's Office.

Concurrent jurisdiction with circuit courts to:

Perform marriages, receive depositions, issue warrants, conduct certain preliminary hearings, set bail, accept guilty pleas, conduct trials for petty offenses and uncontested civil cases involving damages of $2000 or less.

Law-Trained Magistrate:

Licensed attorney appointed by presiding judge for a four-year term.

Additional jurisdiction in magistrate court to:

Conduct preliminary hearings for all criminal prosecutions, act as committing magistrate for all purposes, conduct trials of criminal misdemeanor, civil actions involving damages of $2000 or less, and small claims actions.

THE COURT STRUCTURE

As illustrated by the chart on the previous page, the Unified Judicial System of South Dakota has a two-tiered court structure. The first level is the State Supreme Court. The second level, the circuit courts, are the courts of original jurisdiction. They are assisted by a separate division, the magistrate courts, which have limited concurrent jurisdiction in certain types of cases. By disposing of less serious actions, the magistrates assist the circuit courts in managing the caseload. With the exception of small claims cases, decisions of the magistrate courts may be appealed to the circuit court. The Supreme Court is the court of last resort to which decisions of the circuit courts may be appealed.

SUPREME COURT

The South Dakota Supreme Court, the state's highest appellate court, is comprised of the chief justice and four associate justices. All must be licensed to practice law in the state. There is no formal age requirement, but the mandatory retirement age is seventy. The retired justice, if he agrees, may be called back into judiciary service in any of the state's courts.

The original jurisdiction of the Supreme Court extends to cases "in which the interest of the state" is "direct and proximate, affecting the state at large." The jurisdiction also includes power to issue original and remedial writs for situations in which the "interests of the state are in some way directly involved."

The term of court for the Supreme Court coincides with the full calendar year. The sessions are held in the state capitol or in such cities as the Supreme Court may specify by court order.

The present members of the Court were elected, one from each of five districts in the state, for a term of eight years. The drawing on page 3 illustrates the boundaries of the five Supreme Court electoral districts. The terms are alternated in order to maintain continuity. In districts four and five, justices were elected for eight-year terms beginning in 1976; in districts one, two and three, the eight-year term began in 1978. In the future, Under the terms of a Constitutional Amendment passed by the voters in November, 1980, vacancies on the Supreme Court will be filled by Governor's appointment from a list of attorneys nominated by the Judicial Qualifications Commission. All justices will stand for retention election, unopposed. For newly appointed justices, the retention election will be held at the next general election following the third year after appointment; for incumbent justices, at the end of their existing term, and for all, thereafter, "every eighth year."

The Supreme Court, in its role as the state's highest judicial body, performs several valuable functions for the government and people of the state. The justices serve primarily as a court of appellate jurisdiction, having power to hear appeals from decisions of the circuit courts. They also have a limited power to

render advisory opinions to the Governor, at his request, on issues involving the exercise of his executive power.

The appellate function, which constitutes the bulk of the Court's workload, is one method by which adherence to accepted principles of justice is maintained in the court processes of the state. It is, however, only one of the ways in which the Supreme Court serves the public.

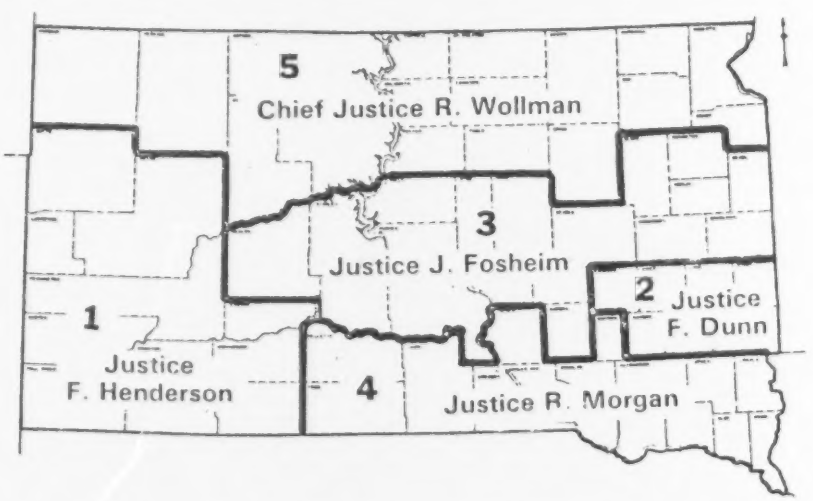
In addition to the exercise of its control over lower court decisions, the Court performs a number of other duties. For example, The Court supervises the licensing and disbarment of attorneys, and establishes professional standards of ethical conduct of attorneys and judges in the state. This requires that the justices provide appropriate guidelines and hold disciplinary hearings to maintain professionalism in the conduct of the legal and judicial community.

The rule-making power of the Supreme Court includes control of lower court practice and procedure, terms of court, the number of circuit court judges, boundaries of circuits, and general administrative supervision of the Unified Judicial System. In this administrative function, the Court promulgates rules for the operation of the judicial system.

Beyond these functions, the Court has responsibility for the appointment of personnel to specific permanent positions in the judicial system, the authorization of committees within the judicial branch, and approval of membership of those committees. The Court also establishes rules for effective administrative policy in the system, such as regulations on travel by members of the judicial branch, and other personnel matters. A few of the Supreme Court's activities for fiscal year 1981 are listed in the review material on page 21.

With the assistance of the Judicial Qualifications Commission, the Court exercises disciplinary control over judges and justices. In addition, the Court may appoint, at its pleasure, such personnel as required to serve the needs of the state judiciary. The Court's administrative responsibility is exercised through the power of the Chief Justice (SDCL 16-2-20), which provides extensive authority to take any necessary action to ensure the efficiency of the judiciary process. He is assisted in this function by the State Court Administrator's Office.

Statistical data for Supreme Court activity is presented on page 11.

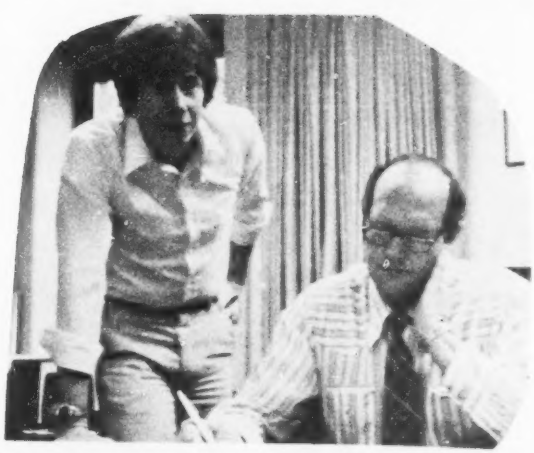


SUPREME COURT ELECTORAL DISTRICTS

Associate Justice Francis G. Dunn
and Law Clerk Karen Schreier

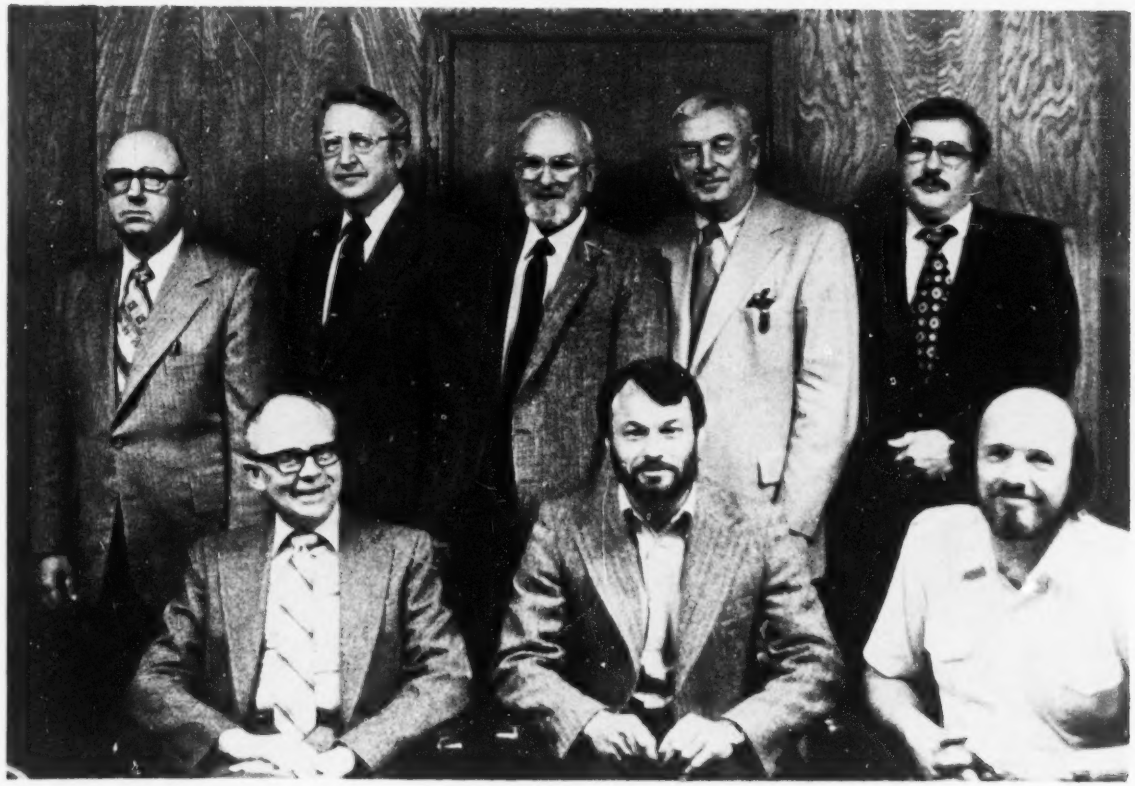
Associate Justice Robert E. Morgan
and Law Clerk Lonnie Bryan

Chief Justice Roger L. Wollman
and Law Clerk Mary Kelley



Associate Justice Frank E. Henderson
and Law Clerk Dan Johnson

Associate Justice Jon Fosheim
and Law Clerk Nora Kelley



PRESIDING JUDGES OF THE UNIFIED
JUDICIAL SYSTEM

STANDING FROM LEFT: JUDGE GEORGE WUEST, FOURTH CIRCUIT; JUDGE ERNEST HERTZ, FIRST CIRCUIT; JUDGE PHILO HALL, FIFTH CIRCUIT; JUDGE LESLIE HERSRUD, EIGHTH CIRCUIT; JUDGE ROBERT MILLER, SIXTH CIRCUIT

SEATED FROM LEFT: JUDGE WAYNE CHRISTENSEN, SECOND CIRCUIT; JUDGE IRVIN HOYT, THIRD CIRCUIT; JUDGE MARSHALL YOUNG, SEVENTH CIRCUIT

FISCAL YEAR 1981

BENCH PERSONNEL BY JUDICIAL CIRCUIT

FIRST JUDICIAL CIRCUIT, Judges:
*Hertz, Ernest W.
Kern, Paul J.
Ulrich, Robert C.
Tapken, Jay H. 1-1-81

Law-Trained Magistrates:
**Cody, Mary Dell
Connelly, Riley (Term.)
Jacobson, Edward A.
Marmet, Robert G. 12-17-80

SECOND JUDICIAL CIRCUIT, Judges:
*Christensen, Wayne W.
Heege, Robert C.
Heuermann, William H.
Hurd, Richard D.
Patterson, Robert J.

Law-Trained Magistrates:
**Lieberman, Peter
**Matheson, William

THIRD JUDICIAL CIRCUIT, Judges:
Bradshaw, Dale
Evans, Vernon C.
Martin, Eugene
*Hoyt, Irvin N.
Mydland, Gordon J.
Ries, Thomas G.

Law-Trained Magistrates:
Aho, Ronald 6-22-81

FOURTH JUDICIAL CIRCUIT, Judges:
Anderst, Thomas L.
Gerken, Marshall
McMurchie, Boyd L.
*Wuest, George W.

Law-Trained Magistrates:
Jones, Rolland
Unke, Michael

FIFTH JUDICIAL CIRCUIT, Judges:
Berndt, Leland J.
Dobberpuhl, Eugene E.
*Hall, Philo
Ramynke, Mildred D.

Law-Trained Magistrates:
Bowen, William A. (Term.)
**Lovrien, Larry
Moeckly, Kent A. (Term.)
O'Keefe, Robert G.
Rice, George (Term.)
Glynn,Richard 3-23-81

SIXTH JUDICIAL CIRCUIT, Judges:
Heck, Donald L.
Jones, John B.
McKeever, Patrick J.
*Miller, Robert A.
Talbott, Marvin S.

Law-Trained Magistrate:
**Anderson, James W.

SEVENTH JUDICIAL CIRCUIT, Judges:
Davis, Jeff
Grosshans, Roland
Parker, F. Thomas
Tice, Merton B., Jr.
*Young, Marshall

Law-Trained Magistrates:
**Carrell, Charles G.
Klauck, Jack

EIGHTH JUDICIAL CIRCUIT, Judges:
Brandenburg, Roy E.
*Hersrud, Leslie R.
Moses, Scott C.

Law-Trained Magistrates:
**Johns, Timothy R.
Severns, William L.
Shevlin, Glenn W. (Term.)
Mueller, Walter 4-6-81

* Indicates presiding judge
** Indicates full-time magistrate

THE CIRCUIT COURTS

The circuit courts are the trial courts of general jurisdiction. The circuit court judges, who are required to be licensed to practice law in the state, have original jurisdiction in all cases and proceedings, and they may hear appeals from the decisions of the magistrate courts. The circuit court judges are elected at large from within their respective circuits for a term of eight years. The thirty-six judges and the law-trained magistrates from the eight circuits, in office at the end of fiscal year 1981, are listed on page 4. A map showing circuit boundaries is presented on page 10.

Direct supervisory control over the circuit court process and personnel is exercised by the presiding judge of the circuit, who is appointed to this special administrative position by, and serves at the pleasure of, the Chief Justice of the Supreme Court. The extensive authority of the presiding judge includes the following:

1) Arranging schedules and assigning circuit judges for sessions of circuit court, and supervising the calendar for trials or hearings.
2) Appointing clerks, deputies and other personnel within the circuit, and establishing their rate of compensation.
3) Arranging for the proper drawing of jury panels and for the reporting of cases.
4) Periodically reviewing and evaluating personnel in the circuit.
5) Arranging for the availability of circuit judges in each county according to statute (SDCL 16-2-21).

In addition to the concurrent civil and criminal jurisdiction over minor court actions shared with the courts of limited jurisdiction discussed below, circuit court jurisdiction includes trial and disposition of all felony cases. The exclusive original civil jurisdiction of circuit courts includes cases involving 1) dispute of title or boundary of real property, 2) divorce or annulment of marriage, 3) probate, guardianship, and settlement of estates of the deceased, 4) juvenile proceedings, and 5) civil disputes involving amounts exceeding $2,000.00. As noted above, the circuit court has appellate jurisdiction over judgments, decrees and orders of magistrate courts.

MAGISTRATE COURTS

Magistrate courts in South Dakota are created by statute (SDCL 16-12A-2) to assist the circuit courts in handling the misdemeanor cases and minor civil actions. The jurisdiction of the magistrate court varies depending on whether there is a lay magistrate or a law-trained magistrate presiding.

The law-trained magistrate is required to be licensed to practice law in the state and is appointed by the presiding judge to a four-year term upon approval by the Supreme Court.

In addition to the functions of the court with a lay magistrate presiding, the law-trained magistrate may conduct preliminary hearings for all criminal charges, and act as a committing magistrate for all purposes. Also, with a law-trained magistrate presiding, the court may conduct trials of charges of criminal misdemeanor, civil actions involving amounts of $2,000 or less, and small claims actions.

The lay magistrate may accept guilty pleas and impose fines in minor criminal cases, set bond in criminal cases and preside over pre-

liminary hearings (unless a request is made by the accused to have the hearing before a law-trained magistrate or a judge). The lay magistrate's court also has the power to perform marriages, administer oaths and take depositions, issue warrants for arrest or search, and conduct trials in uncontested small claims and other civil disputes involving damages in amounts of $2000 or less. There are 132 lay magistrates in the state, of whom 115 are also clerks of circuit court.

PRESIDING JUDGES MEETING

Through the periodic meetings of the presiding judges, judicial circuit personnel are afforded direct communications into administrative policy and procedural decisions of the Unified Judicial System. These meetings usually include the eight presiding judges in conference with the Chief Justice and the State Court Administrator. The agenda encompasses a wide range of subjects involving policy, problems, and current issues relating to the operation of the courts.

Through these meetings, the presiding judges coordinate their administrative activities and keep themselves aware of the latest developments in the court system, promoting administrative efficiency among themselves and the judges and staff in their respective circuits. These conferences also afford the executive and legislative branches of state government an opportunity to meet with the judicial personnel responsible for the implementation of operations at the trial level, in order to discuss issues of mutual concern.

JUDICIAL CONFERENCE

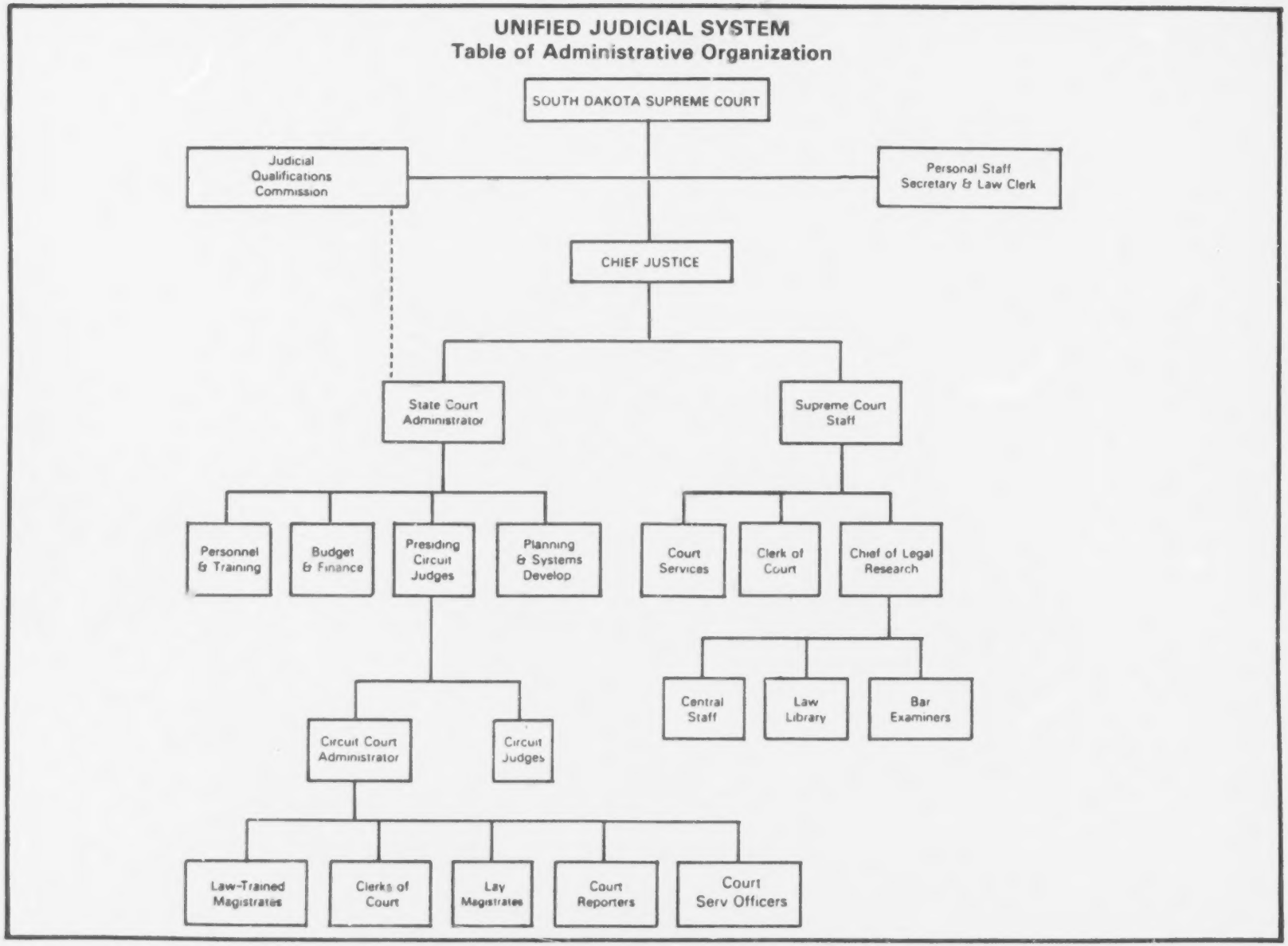
Another primary channel of management communication in the Unified Judicial System is the annual meeting of all circuit judges and Supreme Court justices, specified by statute (SDCL 16-14) and usually held in the Fall of the year. The purpose of this meeting, designated the Judicial Conference, is to give judges the opportunity to study the organization, rules, practices, and procedures of the judicial system and make recommendations to the Supreme Court for appropriate change.

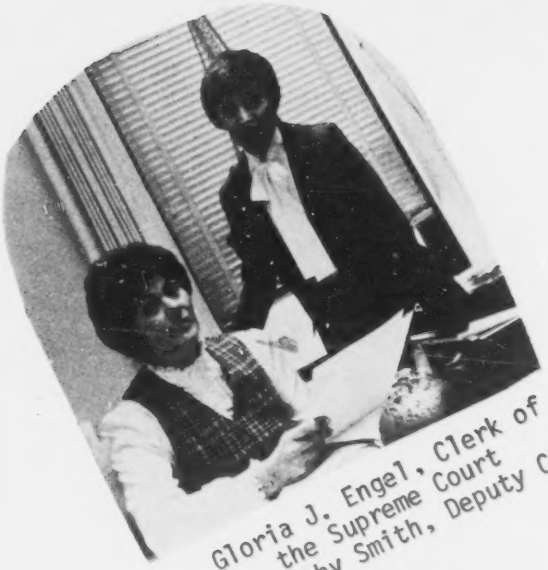
JUDICIAL QUALIFICATIONS COMMISSION

This commission, created by Article V, section 9 of the South Dakota Constitution, and supporting statute (SDCL 16-1A), is comprised of seven members. These include 2 citizens who are not members of the state bar, appointed by the Governor; 2 judges of the circuit court, elected by the Judicial Conference; and 3 persons practicing law in the state, appointed by the president of the State Bar Association. Each member is limited to one imbricated four-year term.

One significant function of the Judicial Qualifications Commission is that of assisting the Supreme Court in disciplinary actions against members of the judiciary. It is empowered to receive complaints regarding any justice or judge, to hire personnel to investigate those complaints, and to conduct confidential hearings concerning the removal or involuntary retirement of a justice or judge. On recommendation from this commission, and after appropriate hearing, the Supreme Court may censure, remove, or retire such person for cause as specified in the Constitutional article.

By Constitutional amendment passed in 1980, the Commission also reviews applicants for vacancies on the Supreme Court and circuit court bench and nominates two or more of the most qualified to the Governor, who in turn appoints a person to fill the vacancy.


UNIFIED JUDICIAL SYSTEM
Table of Administrative Organization
SOUTH DAKOTA SUPREME COURT
Judicial Qualifications Commission
Personal Staff Secretary & Law Clerk
CHIEF JUSTICE
State Court Administrator
Supreme Court Staff
Personnel & Training
Budget & Finance
Presiding Circuit Judges
Planning & Systems Develop
Court Services
Clerk of Court
Chief of Legal Research
Central Staff
Law Library
Bar Examiners
Circuit Court Administrator
Circuit Judges
Law-Trained Magistrates
Clerks of Court
Lay Magistrates
Court Reporters
Court Serv Officers



Gloria J. Engel, Clerk of the Supreme Court and Dorothy Smith, Deputy Clerk

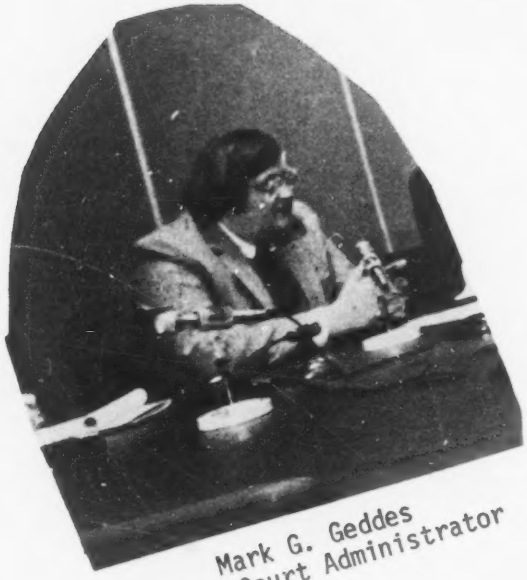
Thomas A. Lloyd
Staff Attorney

Cindy Droz
Secretary

Virginia Biddle
Assistant Librarian
Supreme Court

Corretta Blow, Eileen Papendick, and Mary Kebach, legal secretaries to the Associate Justices

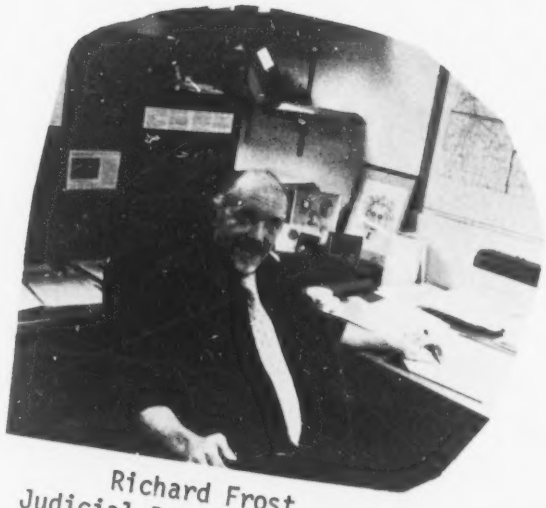
Yolanda Cholik
Executive Secretary to the Chief Justice



Mark G. Geddes
State Court Administrator

Dan C. Schenk
Personnel and Training Officer

Linda Hausvik, Personnel Clerk, and
Margaret Withers, Executive Secretary



Richard Frost
Judicial Research Analyst

Judicial Staff — State

Law Clerk

Recent law school graduates of high academic standing are selected for one-year appointments as law clerks to assist the Supreme Court justices in the extensive writing and research duties required in the preparation of their formal opinions. Each justice is assigned one law clerk.

Clerk of the Supreme Court

The Clerk assists the Chief Justice in the functions of the Court by monitoring the progress of all appeals and original proceedings, scheduling oral arguments before the Court, recording Court decisions, orders and directives, and controlling their release and distribution. This office is also responsible for the management of all records of the Court, the compilation of appellate statistics, and the documentation and dissemination of all Court rules.

Chief of Legal Research

The attorney appointed to this position performs several vital functions for the Court:

1) As executive secretary of the bar examiners, assists the examiners in developing, administering, and correcting the examinations given to persons seeking admission to the bar.
2) As Supreme Court law librarian, is responsible for supervising and maintaining the Supreme Court law library of some 40,000 volumes.
3) Coordinates staff attorney's efforts to prescreen appeals and draft internal working memoranda, per curiam opinions, and orders for review by the Court. In addition, the staff attorney screens the cases brought on appeal and makes recommendations to the Supreme Court regarding disposition.

State Court Administrator's Office

Directly responsible to the Chief Justice, this office provides administrative direction and management support services to the Unified Judicial System. In addition to management, research, and analysis functions, there are three major sub divisions of the office, each operating within its own sphere of administrative activity.

The personnel and training division is responsible for the maintenance of the Unified Judicial System personnel rules and the administration of all aspects of personnel and training activities for judicial employees.

The budget and finance office is responsible for the development and administration of the annual budget, the supervision of the accounting system, purchasing, voucher processing and payment, and maintenance of the master inventory.

The division of planning and systems development is responsible for the operation and maintenance of the judicial management information system, the analysis of caseload and disposition data, and the preparation of research reports.

Director of Court Services

This office is responsible to the Chief Justice for the development and coordination of all statewide activities directly related to the program of court services officers.

Judicial Staff — Circuits

Circuit Court Administrator

The circuit court administrators assist the presiding judge in the administration of the circuit. This includes budget, personnel, accounting, special projects and statistical reporting. At the present time, the Second and Seventh Judicial Circuits are staffed with full-time circuit court administrators. In the other circuits, there is an administrative secretary or assistant who performs these functions.

Clerk of Court

Every county in South Dakota is assigned a clerk of court. In a few counties the clerk is employed on a part-time basis. The duties of the clerk, and the deputy clerks that assist in the office, are to organize the court calendar for the county, accept and record fines and fees, and perform record-keeping and filing functions for the courts. They also assist and inform the public on matters involving the schedule of the court and proper procedures, and maintain the appropriate court records for the judicial reporting system. In addition, the clerk of court functions as the lay magistrate in most counties.

Court Services Officer

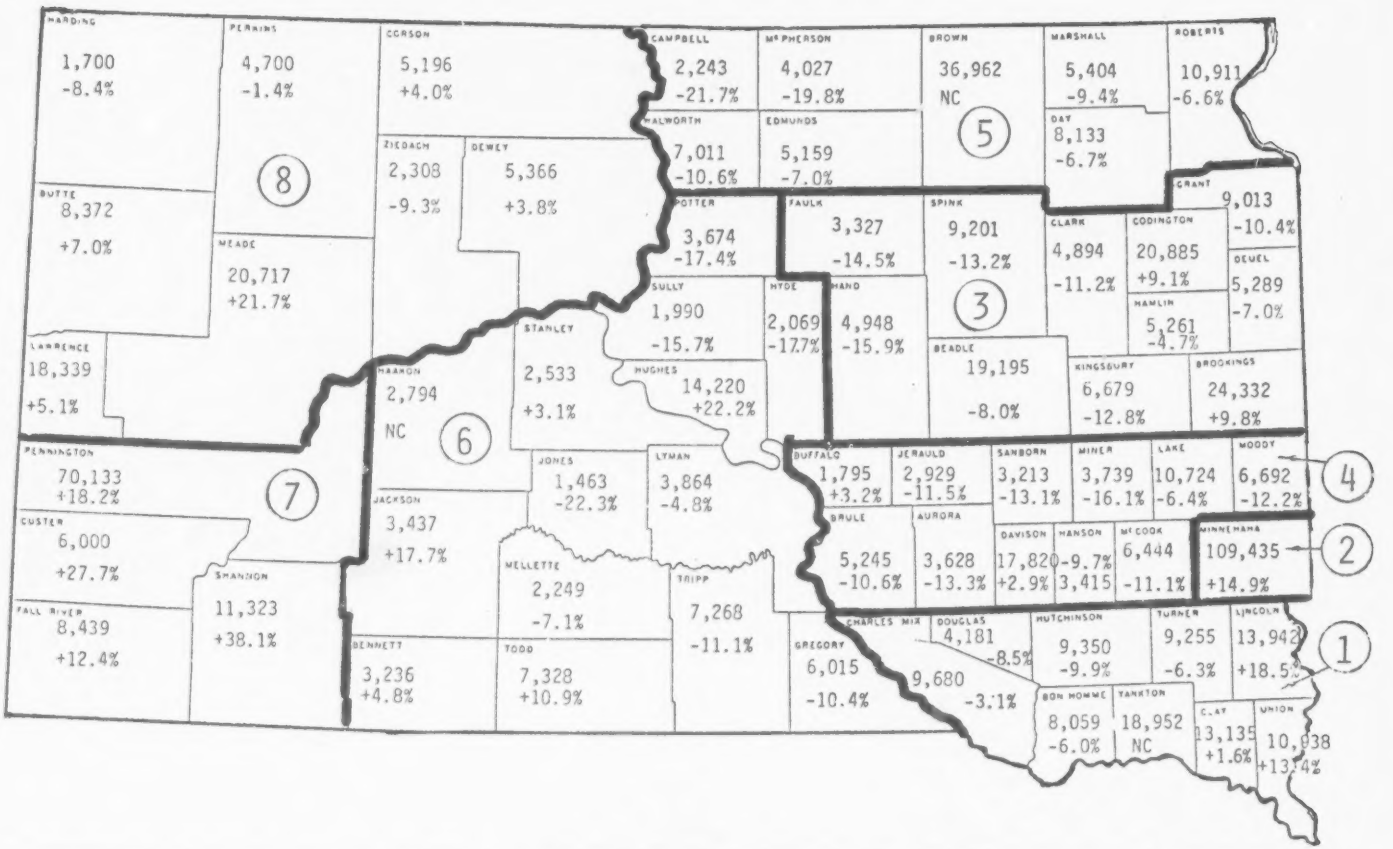
The primary duties of the court services officers include 1) conducting presentence and juvenile prehearing investigations, 2) Generating the appropriate reports and recommendations resulting from those investigations, 3) providing juvenile diversion, probation, and family treatment services, 4) coordinating and receiving restitution payments, 5) supervising probation assignments as ordered by the courts, and 6) providing juvenile offenders with foster care and residential group care services.

In each of the judicial circuits, the presiding judge appoints a chief court services officer who is made responsible for the administration of court services programs. The chief court services officers meet with the Director of Court Services on a quarterly basis. The primary purpose of these meetings is to review the status of programs in order to identify problems in the delivery of service and develop appropriate uniform solutions. In addition, they furnish a forum for court services personnel to coordinate their activities with those of other government agencies and private resource groups.

Court Reporter

Each circuit judge and most law-trained magistrates are assigned a full-time court reporter, whose duty it is to keep detailed records of those courtroom activities which require verbatim transcripts, to make those transcripts available, and to assist the court in any related needs. The court reporter is also required to provide secretarial services for the judge.

JUDICIAL CIRCUITS AND POPULATION CHANGE FROM 1970 TO 1980



POPULATION CHANGE

The state map shows the boundary lines for the Eight Judicial Circuits. Within each county is noted the 1980 population in thousands, along with the percentage of increase or decrease from 1970 to 1980. A minus sign preceding the percentage number indicates a decrease.

JUDICIAL CIRCUIT	POPULATION 1970	POPULATION 1980	SQUARE MILES	JUDICIAL CIRCUIT	POPULATION 1970	POPULATION 1980	SQUARE MILES
First	96.7	97.5	5,471	Fifth	84.6	79.9	8,411
Second	95.2	109.5	813	Sixth	62.1	62.1	17,731
Third	115.9	113.0	10,292	Seventh	79.8	95.9	8,179
Fourth	70.7	65.6	6,203	Eighth	61.3	66.7	18,859
				Totals	666.2	690.2	75,959

COMPARISON OF SUPREME COURT DATA

	FY 1980	FY 1981
FILINGS	359	326
Appeals	273	261
Intermediate Appeals	28	27
Original Proceedings	20	22
Miscellaneous Filings	20	16
DISPOSITIONS	346	361
Opinions/Cases	173/202	238/269
Orders of Dismissal/Cases	93/95	50/54
Orders of Denial	31	34
Miscellaneous	18	4
PENDING CASES	289	261
Submitted and Pending	118	88
Ready for Submission	57	66
Not Ready for Calendar	114	107

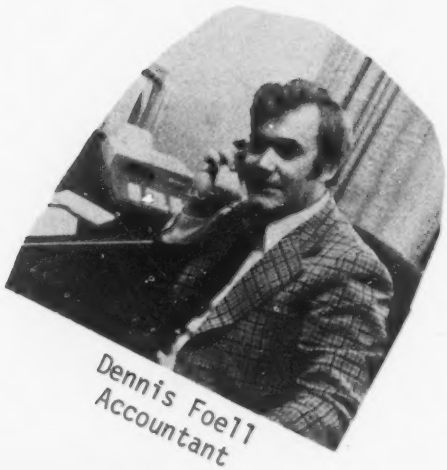
SUPREME COURT STATISTICS

The primary function of the Supreme Court is the concise analysis of legal issues in creating formal opinions. These published decisions promote a consistent and coherent structure of judicial interpretation for the state. In this function, the five Supreme Court Justices are the collegial supervisors of the administration of justice in South Dakota.

In each of the opinions rendered, the justices participate and contribute their own independent expertise. This places a considerable workload on each justice and his law clerk in the research and analysis of issues and precedent toward the effective preparation of each opinion.

In the table above, total appellate filings for 1981 show a decrease of about 4% from the previous fiscal year, while total dispositions have increased by 4%. Dispositions also show a substantial increase (38%) in opinions rendered, and a correllative reduction in dismissal orders. This, along with the 25% decrease in cases submitted and pending, is indicative of a very productive year for the High Court.

Ken Olander and Tony Deters,
Supply and Inventory Coordinator
and Accountant

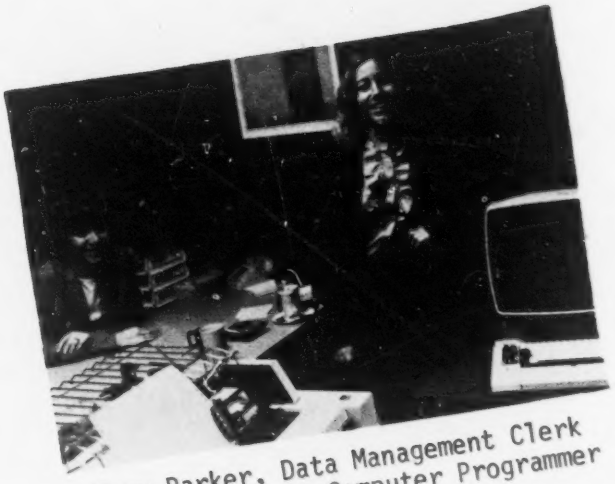


Dennis Foell
Accountant

John C. Ellenbecker
Budget and Finance Officer

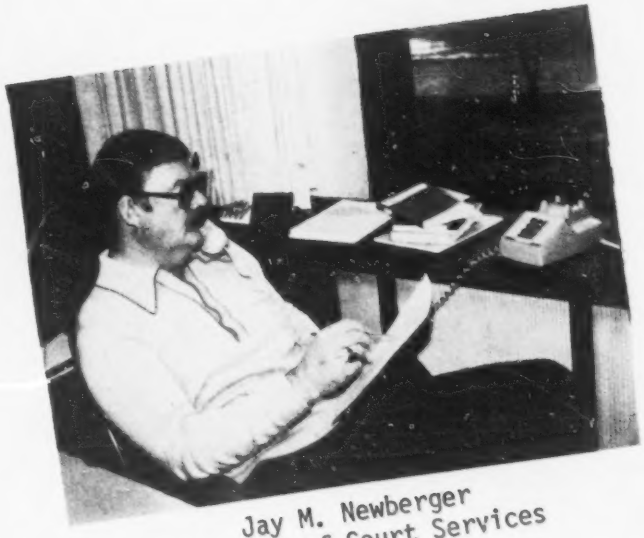
Linda Roseland and Debbie Bryant,
Account Clerk and Senior Account Clerk

Darlene Ramse
Account Clerk



Mary Parker, Data Management Clerk
and Jeanne Olson, Computer Programmer

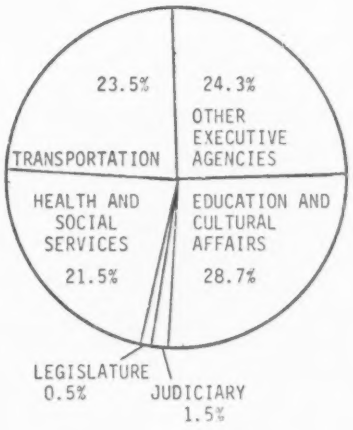
Pam Templeton
Data Administrator



Jay M. Newberger
Director of Court Services

Cheryl Nincehelser, Court Services
Secretary, and Renee Osterkamp,
Placement Coordinator

FISCAL YEAR 1981: FINANCING THE COURTS



STATE BUDGET ALLOCATION

AGENCY		AMOUNT IN MILLIONS	PERCENT OF TOTAL
EXECUTIVE:			
Transportation		$153.7	23.5
Education and Cultural Affairs		187.8	28.7
Health and Social Services		140.6	21.5
Other Executive Agencies:			
Charities and Corrections	$36.4		
Labor	24.3		
Executive Management	32.1		
Game, Fish and Parks	16.1		
Public Safety	15.9		
Other	33.8		
Total, Other Executive Agencies		158.6	24.3
LEGISLATIVE		3.5	0.5
JUDICIARY		10.0	1.5
TOTAL		654.2	100.0

APPROPRIATIONS

The Unified Judicial System is funded from state appropriations and federal grants received by the State Court Administrator's Office. The circular chart depicts the largest categories of budget allocation for fiscal year 1981.

The legislature requires the counties to reimburse the state's general fund 25% of the total expenditure for the operation of the Unified Judicial System for the previous fiscal year. In September each year, the State Court Administrator's Office certifies to each county its share of this reimbursement, pro rated on the basis of the county's population. Statute also provides for a remission to the state general fund of 35% of all fines, penalties, and forfeitures collected by the circuit courts for violations of county and municipal ordinances and bylaws.

In addition to these reimbursements, the counties and municipalities pay witness fees, and jury fees, and, for indigent defendants, the cost of appointed counsel and transcripts. They also provide the facilities for all judicial employees located within the county or municipality. Many counties maintain a county law library, which is partially funded from a law library fee collected on each civil filing in the circuit court.

CASH RECEIPTS	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	EIGHTH CIRCUIT	STATE TOTAL
CITY FINES	$ 123,518	$ 486,250	$ 141,439	$ 73,633	$ 116,062	$ 61,654	$ 257,184	$ 105,336	$ 1,365,076
CITY COSTS RECOVERED		673	781	10	463	44	10	280	2,261
CITY FORFEITURES	232	3,605	6,249	2,111	856	27	384	275	13,739
STATE FINES	466,094	411,272	530,083	421,384	313,833	321,586	456,305	333,057	3,253,614
STATE COSTS RECOVERED	6,510	52,089	6,819	19,678	8,308	15,569	21,079	18,345	148,397
STATE FORFEITURES	2,777	5,500	4,505	2,055	5,914	3,960	4,661	4,775	34,147
CASH FEES	69,708	84,942	83,845	46,218	60,835	49,441	66,505	45,110	506,604
LAW LIBRARY FEE	8,023	12,105	10,552	5,825	7,845	6,224	9,463	5,849	65,886
POSTAGE (SMALL CLAIMS)	3,668	3,615	5,729	2,320	3,763	3,477	4,289	2,240	29,101
LAW OFFICER TRAINING FEE	35,656	58,398	42,246	31,314	25,799	24,972	46,286	23,657	288,328
COURT APPOINTED ATTORNEY FEE	5,718	21,816	12,686	10,187	5,087	8,578	2,796	15,003	81,871
PETTY OFFENSES FINES				38	1,278	74	1,082	65	2,537
RESTITUTION	84,337	120,481	76,244	136,647	60,149	38,114	73,904	25,029	614,905
POSTED BONDS	109,160	93,254	65,078	108,725	144,417	93,870	122,772	120,592	857,868
OTHER	31,430	346	91,601	18,341	2,698	4,978	23,793	1,244	174,431
CHILD SUPPORT COLLECTED	275,646	717,740	1,230,396	461,680	620,489	578,578	1,085,100	385,219	5,354,848
TRUST FUND	46,501	84,960	82,861	32,308	7,836	60,036	71,514	36,629	422,645
TOTAL RECEIPTS	$1,268,978	$2,157,046	$2,391,114	$1,372,474	$1,385,632	$1,271,182	$2,247,127	$1,122,705	$13,216,258
CASH DISBURSED									
REMITTED TO CITIES	$ 123,750	$ 490,527	$ 148,469	$ 75,709	$ 117,531	$ 61,758	$ 257,250	$ 105,892	$ 1,380,886
REMITTED TO COUNTIES	595,309	645,870	690,716	536,494	428,870	430,673	613,185	445,801	4,386,918
RESTITUTION	84,162	120,193	77,775	136,491	60,925	37,873	81,596	26,151	625,166
SMALL CLAIMS POSTAGE	3,671	3,615	5,561	2,321	3,481	3,466	4,289	2,238	28,642
POSTED BOND REFUND	101,716	95,818	63,749	111,513	150,727	91,946	117,902	97,173	830,544
MISCELLANEOUS REFUND	477	252	345	1,165	889	937	424	127	4,616
OTHER	30,161	346	91,460	17,492	2,005	8,459	18,360	1,127	169,410
CHILD SUPPORT FORWARDED	275,646	717,740	1,230,396	461,680	620,489	578,578	1,085,100	385,219	5,354,848
TRUST FUND	52,521	92,459	151,827	37,864	9,075	112,587	87,174	35,142	578,649
REMITTED TO STATE			76			30			106
TOTAL DISBURSED	$1,267,413	$2,166,820	$2,460,374	$1,380,729	$1,393,992	$1,326,307	$2,265,280	$1,098,870	$13,359,787

FISCAL YEAR 1981 CLERK OF COURT RECEIPTS AND DISBURSEMENTS

DEFINITIONS FOR RECEIPTS AND DISBURSEMENTS

City Fines: Collected for violations of city ordinances. A percentage of these is remitted to the state general fund for reimbursement of the court system. The remainder stays with the municipality.

City Costs Recovered: Received for costs incurred by a city in processing cases. The money is retained by the city.

City Forfeitures: Bond forfeitures retained for violation of city ordinance. A percentage goes to the state general fund and the remainder goes to the city.

State Fines: Collected for violation of state law. The money is sent to the Department of School and Public Lands to be pro-rated and returned to the school district in the county from which it was received.

State Costs Recovered: Returned to the county for services, such as performing blood tests on DWI offenders.

State Forfeitures: Bond forfeitures retained for violations of state laws. This money, formerly remitted to the state general fund, is now returned to the county.

Cash Fees: Collected for filings, such as small claims actions, and retained by the county.

Law Library Fee: Collected with civil case filing fees, to support the county law library.

Law Officer Training Fee: Added to fines for certain criminal offenses, to support training of law enforcement personnel.

Court-Appointed Attorney Fee: Occasionally paid by indigent defendants after trial, cost of court appointed counsel is reimbursed to county general fund, usually as a condition of probation.

Restitution: Amount paid by defendant to reimburse injured party. No part is retained by court.

Child Support Payments: This money is received by the clerk of court for payment to the recipient specified by the court. No part is retained by the court.

Trust Fund and Posted Bond: Funds held in trust pending court action. The money is either returned to the proper party, or, particularly in the case of bonds, forfeited according to court assessment. The forfeitures are defined above.

Other: Miscellaneous monies received by the court system other than those listed above.

	CIRCUIT JUDGE	LAW TRAINED MAGIS.	LAY MAGIS-TRATE	COURT REPORTER	LAW CLERK	COURT ADMIN-ISTRATOR	COURT SERVICES OFFICER	SEC-RETARY	CLERK OF COURT	DEPUTY CLERK	BAILIFF	TOTAL
1ST CIRCUIT	4.0	2.0	.7	4.0			7.0	3.0	9.0	12.1	.5	42.3
2ND CIRCUIT	5.0	2.0	.7	7.0	2.0	1.0	12.0	6.0	2.0	19.0	4.4	61.1
3RD CIRCUIT	6.0	.5		6.0			8.0	4.0	11.0	15.6	.5	51.6
4TH CIRCUIT	4.0	1.0	.3	4.0			6.0	3.0	10.4	8.2	.7	37.6
5TH CIRCUIT	4.0	2.1		5.0	1.0		6.0	3.2	7.6	11.3	.6	40.8
6TH CIRCUIT	5.0	1.0	2.1	5.0	1.0		5.5	2.5	12.1	7.9	.7	42.8
7TH CIRCUIT	5.0	1.6	1.5	6.0	1.0	1.0	9.0	4.8	4.0	18.5	1.7	54.1
8TH CIRCUIT	3.0	2.0	.8	4.0			4.0	2.0	6.5	6.1	1.3	29.7
TOTAL	36.0	12.20	6.10	41.0	5.0	2.0	57.5	28.5	62.6	98.7	10.4	360.0

STAFFING ALLOCATIONS BY JUDICIAL CIRCUIT FISCAL YEAR 1981

Staffing in the judicial circuits during fiscal year 1981 has been reduced to 360.0 from 364.2 FTE in fiscal year 1980.

FISCAL YEAR 1981 CRIMINAL CASELOAD STATISTICS

	MISDEMEANOR 2					MISDEMEANOR 1						FELONY					
	PETTY OFFENSE FILINGS	FILINGS	GUILTY PLEA	DIS-MIS-SALS	TRIAL	FILINGS	PRELIM. HEARING	GUILTY PLEA	DIS-MIS-SALS	TRIAL COURT	TRIAL JURY	FILINGS	PRELIM. HEARING	GUILTY PLEA	DIS-MIS-SALS	TRIAL COURT	TRIAL JURY
1ST CIRCUIT																	
BON HOMME	14	548	549	0	3	65	4	55	1	4	0	7	3	6	2	2	1
CHARLES MIX	12	1708	1665	34	0	156	10	145	10	0	1	26	12	23	3	1	6
CLAY	6	2203	2167	4	44	114	19	102	5	5	1	55	17	43	1	1	5
DOUGLAS	5	386	364	14	3	23	5	28	2	0	0	1	1	0	2	0	0
HUTCHINSON	2	658	640	6	8	41	7	38	2	3	0	9	1	1	1	0	0
LINCOLN	16	2007	1811	168	38	82	24	62	23	4	0	40	24	25	29	0	3
TURNER	4	1038	970	16	18	71	7	62	5	3	2	21	5	15	7	0	1
UNION	16	2256	2200	9	34	116	16	101	17	2	1	47	11	25	32	0	0
YANKTON	49	3888	3716	105	92	345	66	276	58	14	11	88	45	54	29	0	7
TOTAL	124	14692	14082	356	240	1013	158	869	123	35	16	294	119	192	106	4	23
2ND CIRCUIT																	
MINNEHAHA	830	30121	25369	4171	1081	1506	289	1150	307	59	15	675	257	312	360	3	20
3RD CIRCUIT																	
BEADLE	39	2941	2686	136	24	206	33	177	32	7	3	53	26	29	25	0	7
BROOKINGS	10	2878	2646	56	12	289	8	244	30	1	1	43	8	37	21	1	0
CLARK	1	514	472	39	0	40	2	36	5	0	1	3	1	4	0	0	1
CODINGTON	26	4461	4364	77	70	235	29	201	40	8	3	65	27	24	37	0	4
DEUEL	4	518	536	0	11	37	9	32	2	2	1	19	7	13	4	0	3
FAULK	5	432	425	2	1	15	1	13	5	0	2	3	1	3	1	0	0
GRANT	5	920	881	5	14	72	6	62	7	1	1	33	12	21	12	2	4
HAMLIN	2	450	439	11	9	25	1	21	7	0	0	11	0	8	2	0	0
HAND	4	812	787	19	18	49	5	35	4	1	0	13	5	4	4	0	0
KINGSBURY	0	786	777	17	11	69	7	57	12	0	1	13	0	5	11	0	0
SPINK	3	1265	1246	57	6	76	3	71	2	0	1	14	5	8	2	1	1
TOTAL	99	15977	15259	419	176	1113	104	949	146	20	14	270	92	156	119	4	20
4TH CIRCUIT																	
AURORA	5	1315	1307	1	3	37	5	29	5	0	0	11	1	6	2	0	2
BRULE	6	1465	1450	6	10	224	29	100	8	0	7	53	13	18	10	1	2
BUFFALO	0	15	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DAVISON	7	4533	4332	174	26	252	29	222	27	3	2	88	21	43	29	0	5
HANSON	1	452	446	6	1	18	9	17	0	0	1	3	2	2	1	0	0
JERAULD	0	223	218	6	1	12	2	13	0	0	0	4	3	1	3	0	1
LAKE	4	1251	1138	80	24	162	47	96	46	3	3	51	26	42	24	0	3
MC COOK	6	1104	1126	3	4	88	13	73	11	0	2	23	6	14	5	0	0
MINER	0	316	306	1	3	22	4	13	1	2	1	4	3	3	0	0	1
MOODY	1	1551	1574	15	22	50	5	40	8	5	1	8	4	9	4	2	4
SANBORN	0	775	762	6	2	23	0	23	2	0	0	3	1	3	0	0	0
TOTAL	30	13000	12672	298	96	888	143	626	108	13	17	248	80	141	78	3	18
PAGE TOTAL	1083	73790	67382	5244	1593	4520	694	3594	684	127	62	1487	548	801	663	14	81

FISCAL YEAR 1981 CRIMINAL CASELOAD STATISTICS

	MISDEMEANOR 2					MISDEMEANOR 1						FELONY					
	PETTY OFFENSE FILINGS	FILINGS	GUILTY PLEA	DIS-MIS-SALS	TRIAL	ILINGS	PRELIM. HEARING	GUILTY PLEA	DIS-MIS-SALS	TRIAL COURT	TRIAL JURY	FILINGS	PRELIM. HEARING	GUILTY PLEA	DIS-MIS-SALS	TRIAL COURT	TRIAL JURY
5TH CIRCUIT																	
BROWN	91	5988	5439	450	108	423	27	327	99	11	1	126	33	74	56	0	0
CAMPBELL	2	178	180	1	1	7	7	6	0	3	0	1	0	0	0	0	0
DAY	2	824	787	19	59	84	7	71	11	2	0	29	6	14	13	0	1
EDMUNDS	1	635	606	19	19	26	0	24	5	1	0	8	5	5	4	0	3
MARSHALL	0	404	411	10	37	76	4	73	1	1	0	15	3	13	4	0	0
MC PHERSON	0	163	154	3	3	10	2	11	0	8	0	2	1	0	2	0	0
ROBERTS	11	1555	1526	31	11	178	13	157	17	9	2	52	10	30	20	2	1
WALWORTH	6	1286	1263	50	64	118	14	103	11	3	0	54	17	36	15	0	2
TOTAL	113	11033	10366	583	302	922	74	772	144	38	3	287	75	172	114	2	7
6TH CIRCUIT																	
BENNETT	8	587	577	15	3	117	8	38	10	0	4	95	20	10	14	0	0
GREGORY	2	379	382	11	3	38	4	29	8	0	2	23	1	12	8	0	1
HAAKON	0	288	285	3	4	38	10	19	4	5	5	6	5	5	0	0	0
HUGHES	12	3128	3080	87	63	354	92	294	45	8	6	108	57	84	20	0	1
HYDE	0	120	115	6	0	7	1	4	3	0	0	2	0	1	0	0	0
JACKSON	0	1529	1554	8	7	69	6	33	7	0	4	10	2	5	3	0	0
JONES	0	364	371	3	0	37	9	30	0	0	3	3	0	2	2	0	0
LYMAN	1	835	847	9	0	42	2	40	4	0	0	5	0	3	2	0	0
MELLETTE	0	94	85	7	0	20	7	13	5	0	0	11	5	5	5	0	1
POTTER	4	367	358	4	1	38	3	19	2	1	3	16	4	5	0	0	2
STANLEY	6	886	844	27	14	111	27	92	11	0	4	21	12	15	7	0	3
SULLY	1	277	282	0	0	6	0	3	1	0	0	0	0	0	0	0	0
TRIPP / TODD	6	1042	1006	33	19	154	31	109	26	0	5	35	20	12	9	0	4
TOTAL	40	9896	9786	213	114	1031	200	723	126	14	36	335	126	159	70	0	12
7TH CIRCUIT																	
CUSTER	7	1152	1099	10	3	207	15	91	14	3	0	78	12	17	11	0	3
FALL RIVER	17	1449	1324	62	22	105	32	93	14	3	7	38	18	17	19	1	1
PENNINGTON	1	1015	1007	2	2	32	20	30	2	0	1	159	79	86	33	2	9
RAPID CITY	188	18013	15771	2273	196	943	196	733	200	3	6	99	34	32	66	0	0
TOTAL	213	21629	19201	2347	223	1287	263	947	230	9	14	374	143	152	129	3	13
8TH CIRCUIT																	
BUTTE	31	1288	1193	57	20	317	28	221	18	3	1	61	31	25	11	0	6
CORSON	0	228	222	5	1	12	1	12	0	0	1	5	2	4	2	0	0
DEWEY	0	144	134	3	2	5	4	3	2	0	1	4	1	1	0	0	0
HARDING	4	382	347	27	1	4	0	3	0	1	1	0	0	2	0	1	0
LAWRENCE	12	4018	3902	60	6	263	29	240	19	1	3	44	20	35	22	0	4
MEADE	9	2361	2337	29	14	199	19	180	28	6	2	42	7	29	24	0	2
PERKINS	3	503	479	5	0	118	1	52	12	0	1	15	2	6	3	0	0
ZIEBACH	0	264	259	1	0	9	0	8	0	0	0	0	0	0	0	0	0
TOTAL	59	9188	8873	187	44	927	82	719	79	11	10	171	63	102	62	1	12
STATE TOTAL	1508	125536	115608	8574	2276	8687	1313	6755	1263	199	125	2654	955	1386	1038	20	125

FISCAL YEAR 1981 CIVIL CASELOAD STATISTICS

	CIVIL CASES					DIVORCE, ETC.			SMALL CLAIMS			MISCELLANEOUS FILINGS				
	FILINGS		DISPOSITIONS				DISPOSITIONS			DISPOSITIONS						
	ADMIN	OTHER	DEFAULT*	COURT**	JURY	FILINGS	DEFAULT	CON-TESTED	FILINGS	DEFAULT	TRIAL	PRO-BATE	ADOP-TION	MENTAL ILL-NESS	GUARD-IANSHIP	JUVENILE PETITIONS
1ST CIRCUIT																
BON HOMME	0	36	14	11	4	15	9	11	140	117	23	66	3	3	14	3
CHARLES MIX	4	69	43	44	0	51	21	26	136	174	39	81	2	7	13	42
CLAY	0	122	51	20	2	55	17	24	381	311	38	76	1	7	6	12
DOUGLAS	0	17	10	0	1	4	5	0	71	73	38	2	0	4	0	13
HUTCHINSON	2	49	28	3	0	15	12	1	150	144	6	91	1	2	12	5
LINCOLN	9	112	67	2	3	36	29	1	236	200	31	97	6	1	22	40
TURNER	2	46	34	3	2	26	16	3	235	180	16	64	3	1	9	42
UNION	12	164	82	61	5	65	46	35	286	215	36	56	8	0	6	2
YANKTON	10	211	73	79	11	134	55	51	463	392	56	112	10	112	28	131
TOTAL	39	826	402	223	28	401	210	152	2098	1806	283	645	34	137	110	290
2ND CIRCUIT																
MINNEHAHA	34	2056	1866	59	49	633	482	74	2359	1566	376	461	89	139	81	455
3RD CIRCUIT																
BEADLE	1	258	195	9	0	126	106	3	815	798	91	131	9	2	18	75
BROOKINGS	3	287	199	42	6	104	92	112	879	882	84	127	19	5	12	83
CLARK	3	28	31	0	0	8	8	0	64	49	8	52	5	0	5	11
CODINGTON	5	276	219	24	4	94	71	30	670	596	64	101	13	9	24	80
DEUEL	0	35	17	3	1	8	3	6	143	128	7	40	4	1	3	24
FAULK	1	9	7	0	0	6	2	4	36	37	1	32	1	1	0	8
GRANT	12	51	45	2	0	43	20	8	205	206	17	52	7	5	2	31
HAMLIN	1	37	28	8	1	11	6	7	106	95	14	54	2	1	5	5
HAND	2	44	109	4	0	11	5	5	163	156	14	34	2	5	7	17
KINGSBURY	0	57	38	22	0	13	9	13	181	139	16	87	3	2	9	17
SPINK	4	92	36	2	0	27	23	2	177	152	15	67	2	4	13	10
TOTAL	32	1174	924	116	12	451	345	190	3439	3238	331	777	67	35	98	361
4TH CIRCUIT																
AURORA	0	19	15	3	0	2	0	4	86	71	8	24	1	0	3	1
BRULE	1	47	18	3	0	13	12	2	130	97	10	40	0	4	8	18
BUFFALO	0	6	5	0	0	13	13	0	24	18	1	7	0	0	1	0
DAVISON	2	240	126	29	0	98	54	34	638	534	75	97	12	11	21	34
HANSON	2	20	11	3	0	5	5	0	27	26	0	26	0	3	2	6
JERAULD	0	31	22	0	0	13	7	1	72	58	3	27	2	1	2	2
LAKE	4	90	55	8	1	49	42	4	341	234	21	74	4	3	12	33
MC COOK	2	36	28	1	1	7	6	4	167	168	15	41	1	0	4	6
MINER	0	36	12	3	0	9	4	5	107	76	6	41	2	1	2	2
MOODY	0	60	50	43	0	19	15	15	132	113	11	54	6	1	9	9
SANBORN	0	20	9	0	1	4	4	1	84	82	9	29	1	0	3	1
TOTAL	11	603	351	93	3	232	162	70	1808	1477	159	460	29	24	67	112
PAGE TOTAL	116	4661	3543	491	92	1717	1199	486	9704	8087	1149	2343	219	335	356	1218

* "DEFAULT" includes settlement, stipulation and dismissal. ** "COURT" includes hearing dispositions.

FISCAL YEAR 1981 CIVIL CASELOAD STATISTICS

	CIVIL CASES					DIVORCE, ETC.			SMALL CLAIMS			MISCELLANEOUS FILINGS				
	FILINGS		DISPOSITIONS				DISPOSITIONS			DISPOSITIONS						
	ADMIN	OTHER	DEFAULT*	COURT**	JURY	FILINGS	DEFAULT	CONTESTED	FILINGS	DEFAULT	TRIAL	PROBATE	ADOPTION	MENTAL ILLNESS	GUARDIANSHIP	JUVENILE PETITIONS
5TH CIRCUIT																
BROWN	4	673	786	37	6	205	246	47	1449	1306	171	141	26	12	30	140
CAMPBELL	0	8	4	0	0	2	0	1	28	21	2	13	0	1	2	1
DAY	2	92	29	6	0	53	15	5	196	221	23	61	4	6	14	36
EDMUNDS	0	38	23	3	1	11	6	4	84	52	8	40	1	1	2	10
MARSHALL	2	61	42	2	0	14	17	0	100	113	8	50	5	1	1	24
MC PHERSON	0	33	16	3	2	4	3	7	26	19	4	34	3	0	4	3
ROBERTS	3	77	41	5	0	20	21	5	177	142	17	89	3	1	7	57
WALWORTH	1	81	48	7	0	23	7	11	199	183	25	59	3	1	10	40
TOTAL	12	1063	989	63	9	332	315	80	2259	2057	258	487	45	23	70	311
6TH CIRCUIT																
BENNETT	0	31	1	2	0	13	1	1	69	45	4	13	1	0	1	22
GREGORY	0	64	55	4	1	20	21	0	108	108	11	65	5	1	0	9
HAAKON	2	39	13	3	1	13	4	3	57	32	6	26	0	2	6	3
HUGHES	19	377	92	66	1	120	72	29	950	833	94	53	11	7	5	40
HYDE	2	22	17	0	0	7	5	0	64	63	3	18	0	0	2	0
JACKSON	0	9	4	1	0	18	16	1	36	30	2	14	1	0	2	4
JONES	0	11	13	0	1	7	8	0	48	45	1	18	1	0	0	3
LYMAN	2	60	23	1	0	12	3	2	172	102	3	38	6	5	1	1
MELLETTE	0	51	24	10	0	9	10	0	44	41	5	14	0	1	4	8
POTTER	0	48	26	1	0	5	4	2	67	44	12	25	0	1	2	2
STANLEY	0	42	53	21	1	15	4	1	192	146	19	18	3	2	4	1
SULLY	0	21	13	1	0	3	1	0	50	52	1	16	3	0	2	0
TRIPP / TODD	1	158	22	39	3	59	35	3	321	213	21	63	5	3	10	21
TOTAL	26	933	356	149	8	301	184	42	2178	1754	182	381	36	22	39	114
7TH CIRCUIT																
CUSTER	5	140	29	48	8	42	30	9	229	77	21	27	6	3	2	14
FALL RIVER	5	141	146	33	1	58	49	5	414	312	23	71	21	6	16	9
PENNINGTON	26	1064	1163	286	16	713	577	100	0	0	0	246	110	89	57	94
RAPID CITY	0	204	134	20	0	0	0	0	1857	1271	275	0	0	57	0	0
TOTAL	36	1549	1472	387	25	813	656	114	2500	1660	319	344	137	155	75	117
8TH CIRCUIT																
BUTTE	0	175	59	1	2	56	48	0	220	193	7	58	10	6	6	12
CORSON	0	23	18	2	0	12	3	13	104	88	15	25	0	4	6	0
DEWEY	0	33	19	6	1	9	5	2	89	71	8	21	2	2	0	5
HARDING	1	11	11	4	0	5	1	1	29	17	3	44	4	0	1	0
LAWRENCE	25	282	149	1	6	138	79	0	448	170	48	115	12	3	18	47
MEADE	2	167	93	71	3	143	106	34	358	324	69	76	19	29	13	38
PERKINS	0	41	22	4	0	17	8	15	97	56	8	53	3	2	7	17
ZIEBACH	2	4	0	0	2	1	1	0	13	3	1	9	0	0	1	1
TOTAL	30	736	371	89	14	381	251	65	1358	922	159	401	50	46	52	120
STATE TOTAL	220	8942	6731	1179	148	3544	2605	787	17999	14480	2067	3956	487	581	592	1880

*"DEFAULT" includes settlement, stipulation and dismissal. ** "COURT" includes hearing dispositions.

FISCAL YEAR 1981
COURT SERVICES CASELOAD

JUVENILE						ADULT		
	Referrals	Diversion	PHI*	Informal Adjustment	Placed on Probation		Pre-Sentence Investigation	Placed on Probation
1st Circuit						1st Circuit		
Delinquency	506	216	125	26	136	Felony	38	57
CHIN**	41	5	19	1	11	Misdemeanor	234	91
2nd Circuit						2nd Circuit		
Delinquency	1031	52	520	7	97	Felony	56	101
CHIN	173	19	121	9	34	Misdemeanor	39	211
3rd Circuit						3rd Circuit		
Delinquency	676	209	83	45	210	Felony	72	91
CHIN	38	1	5	1	12	Misdemeanor	404	569
4th Circuit						4th Circuit		
Delinquency	237	111	45	0	64	Felony	85	47
CHIN	13	2	4	0	5	Misdemeanor	71	53
5th Circuit						5th Circuit		
Delinquency	370	20	45	4	219	Felony	33	73
CHIN	24	0	4	0	13	Misdemeanor	147	379
6th Circuit						6th Circuit		
Delinquency	424	70	159	14	60	Felony	51	37
CHIN	46	8	16	0	9	Misdemeanor	125	128
7th Circuit						7th Circuit		
Delinquency	302	134	73	8	75	Felony	89	60
CHIN	24	3	9	1	7	Misdemeanor	830	749
8th Circuit						8th Circuit		
Delinquency	225	66	33	2	86	Felony	22	27
CHIN	25	5	6	1	14	Misdemeanor	166	219
State Total						State Total		
Delinquency	3771	878	1083	106	947	Felony	446	493
CHIN	384	43	184	13	105	Misdemeanor	2016	2398

*Pre-hearing Investigation Reports
**Child in need of Supervision

On probation as of 1 July 1981: Juveniles 825, Felons 959

FISCAL YEAR 1981 HIGHLIGHTS

Committees

A fourteen-member committee was organized to evaluate the Judicial Information System and report recommendations to the Supreme Court. Some members of the committee visited Washington State to study their information process. Several recommendations were made, incuding a micro-computer pilot project for Minnehaha County.

A committee on court-appointed counsel fees recommended guidelines, a rate schedule, and a revised application form. These are to be used for one year beginning January 1, 1982.

An election campaign guideline committee developed proposed ethical guidelines for judicial elections, to be considered at a Supreme Court hearing.

A small claims revision committee made recommendations for changing the small claims procedure. These were implemented by Supreme Court rule.

The advisory committee of clerks of court met several times during the fiscal year with the staff of the State Court Administrator's Office to consider changes in procedures and documentation in the court offices.

Personnel and Records

The UJS travel and subsistence regulations have been revised to reflect SD Board of Finance recommendations. The higher travel allowances adopted by the Supreme Court include a "high-rate geographical area" adjustment for the tourist areas of the state.

A personnel rule was adopted enabling court employees to make lateral transfers within the Unified Judicial System (UJS) from circuit-to-circuit, and the personnel evaluation form was revised.

The Supreme Court adopted out-of-state training guidelines for judges, and memoranda were distributed promoting the use of more economical airfares for travel.

A court reporter position was reclassified, and a clerk recorder position was allocated to Sioux Falls, to implement audio recording in magistrate court at a reduced cost.

Through a grant from the Law Enforcement Assistance Administration, the State Court Administrator's Office has been providing technical assistance to tribal courts in the areas of record keeping, records management, financial management, statistics management, and planning.

Publications

The Benchmark, annual report of the UJS, was published and distributed throughout the state.

Selected 1981 Session Laws affecting the courts were compiled, printed and distributed by the State Court Administrator's Office.

The fine and bond schedule for class 2 misdemeanor offenses was distributed to court clerks and magistrates. Fines were increased by about one-third as of September 1, 1981.

The Small Claims brochure was revised and reprinted by the State Court Administrator's Office.

A record-retention schedule was adopted by the Supreme Court.

Revisions to the Procedures Manual for Clerks of Court were distributed periodically by the State Court Administrator's Office.

Court Services

The director of Court Services began a statistical study of the alternative care program. The final report will include a comparative analysis of juvenile referrals to the program, and associated costs. The report, a portion of which is presented as an appendix on the following pages, will cover the period from fiscal year 1978, when the program was transferred from the Department of Social Services, through fiscal year 1981.

Three separate demonstration projects were implemented to develop additional family foster care resources for the joint use of the department of social services and the UJS. The projects were funded by Title IV-B of the Social Security Act.

In cooperation with the South Dakota Children's Home Society, the judiciary developed a home-based family service program as an alternative to the placement of juveniles into family foster homes and resident group homes.

A three-member committee of court services officers was organized to design and implement a modified automated adult probation information system. The committee will design a system through which misdemeanant data will be incorporated into the existing felony probation system's monthly reports. Additionally a quarterly adult probation referral action report will be developed as a parallel to the quarterly juvenile referral action report.

Other Supreme Court Actions

A five-percent budget reduction was implemented by the Supreme Court after conferring with the Governor.

A hearing was held to consider possible changes in the boundaries and judgeships of the first, second, and fourth circuits. The decision was to make no change.

A certificate of readiness, and a twelve-month no activity rule, for civil cases, were adopted and are being implemented.

Consideration is being given to the possibility of allowing cameras in the courtroom on an experimental basis.

A Constitutional Amendment was ratified to eliminate conventional election of Supreme Court Justices in favor of retention elections.

By Supreme Court Rule, graduates of the University of South Dakota Law School after June, 1983, will be required to pass the multistate bar examination before being permitted to practice law in the state.

The UJS, through the efforts of the Chief Justice, has been promoting closer cooperation between the state court judges and the tribal court judges, with emphasis on the implementation of the Indian Child Welfare Act of 1978.

STATISTICAL SUMMARY OF
SOUTH DAKOTA'S ALTERNATIVE CARE PROGRAM
FISCAL YEAR 1978 THROUGH FISCAL YEAR 1981

The tables on the following pages present comparisons of information pertaining to problem juveniles and children in need of supervision (CHINs) placement in private group homes and foster homes. The material is organized by judicial circuit.

TABLE 1

SUMMARY OF TOTALS FOR COST AND DAYS OF PLACEMENT: ALL JUDICIAL CIRCUITS

CIRCUIT	FIRST	SECOND	THIRD	FOURTH	FIFTH	SIXTH	SEVENTH	EIGHTH
COST	$35,333	$133,792	$47,675	$18,295	$39,401	$65,794	$62,105	$35,663
DAYS	1667	4965	1728	844	1373	2589	2582	1761
COST PER DAY	$21.1	$26.9	$27.6	$21.7	$28.7	$25.4	$24.0	$20.2
			TOTAL COST AND DAYS OF PLACEMENT FOR GROUP HOMES: FISCAL YEAR 1978					
COST	$94,031	$233,972	$47,508	$40,267	$94,641	$129,370	$156,869	$67,209
DAYS	3901	8124	1892	1618	3763	5222	6034	2729
COST PER DAY	$24.1	$28.8	$25.1	$24.8	$25.2	$24.8	$26.0	$26.0
			TOTAL COST AND DAYS OF PLACEMENT FOR GROUP HOMES: FISCAL YEAR 1979					
COST	$63,638	$193,591	$84,458	$65,023	$50,603	$120,253	$135,345	$125,672
DAYS	2234	5972	2943	2436	1854	4337	4956	4175
COST PER DAY	$28.5	$32.4	$28.7	$26.7	$27.3	$27.7	$27.3	$30.1
			TOTAL COST AND DAYS OF PLACEMENT FOR GROUP HOMES: FISCAL YEAR 1980					
COST	$70,595	$221,260	$74,614	$68,824	$91,622	$156,917	$151,458	$124,967
DAYS	2102	6517	2293	2354	2941	4967	4697	3776
COST PER DAY	$33.5	$34.0	$32.5	$29.2	$31.2	$31.6	$32.2	$33.1
			TOTAL COST AND DAYS OF PLACEMENT FOR GROUP HOMES: FISCAL YEAR 1981					
COST	$725	$8,488	$4,818	$1,643	$1,140	$4,366	$756	$4,853
DAYS	161	1067	817	313	217	734	159	976
COST PER DAY	$4.5	$8.0	$5.9	$5.4	$5.3	$5.9	$4.7	$5.0
			TOTAL COST AND DAYS OF PLACEMENT FOR FOSTER HOMES: FISCAL YEAR 1978					
COST	$4,695	$8,860	$18,235	$6,358	$7,370	$5,879	$5,265	$11,974
DAYS	791	1066	2821	991	1129	973	909	1995
COST PER DAY	$5.9	$8.3	$6.5	$6.4	$6.5	$6.0	$5.8	$6.0
			TOTAL COST AND DAYS OF PLACEMENT FOR FOSTER HOMES: FISCAL YEAR 1979					
COST	$1,405	$4,358	$13,899	$1,545	$3,737	$4,734	$1,461	$11,218
DAYS	176	507	1738	212	580	758	202	1753
COST PER DAY	$7.9	$8.5	$7.9	$7.2	$6.4	$6.2	$7.2	$6.4
			TOTAL COST AND DAYS OF PLACEMENT FOR FOSTER HOMES: FISCAL YEAR 1980					
COST	$862	$1.369	$9,908	$2,873	$4,727	$8,293	$2,387	$8,214
DAYS	112	151	1342	392	634	1187	300	1199
COST PER DAY	$7.7	$9.1	$7.4	$7.3	$7.5	$7.0	$8.0	$6.9
			TOTAL COST AND DAYS OF PLACEMENT FOR FOSTER HOMES: FISCAL YEAR 1981					

The information in the summary table above presents a comparison of average cost per day among the judicial circuits and through the progression of fiscal years. The wide variation of average daily costs for group homes in fiscal 1978 ($20 and $21 for the eighth and first circuits, versus $27 and $28 for the fifth and third) have decreased in fiscal 1981.

In foster home average costs, likewise, the spread seems to narrow. The second circuit daily cost remains relatively high throughout the four-year period, but there is less disparity of costs for the last fiscal year.

TABLE 2. MULTIPLE PLACEMENTS COMPARED WITH TOTAL PLACEMENTS BY CIRCUIT AND FISCAL YEAR

THE INFORMATION IN THE TABLE BELOW COMPARES THE NUMBER OF JUVENILES RELOCATED AFTER ONE PLACEMENT, TO THE NUMBER OF TOTAL PLACEMENTS FOR EACH JUDICIAL CIRCUIT BY FISCAL YEAR. FOR EACH CIRCUIT, THE FIRST COLUMN, DESIGNATED "2", REPRESENTS THE NUMBER OF JUVENILES RELOCATED FROM ONE FACILITY TO A SECOND. THE SECOND COLUMN, DESIGNATED "3", REPRESENTS THE NUMBER PLACED IN THREE FACILITIES, EXCEPT THOSE FOUR CASES IN FISCAL YEAR 1979 IDENTIFIED BY AN ASTERISK, WHICH WERE PLACED IN MORE THAN THREE FACILITIES. THE THIRD COLUMN, DESIGNATED "TOTAL", REPRESENTS THE TOTAL NUMBER OF PLACEMENTS FOR EACH CIRCUIT IN THE CATEGORY SHOWN.

CIRCUIT:	FIRST			SECOND			THIRD			FOURTH			FIFTH			SIXTH			SEVENTH			EIGHTH		
NO. OF PLACEMENTS	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL
1978																								
FEMALE	2	0	8	0	1	13	0	1	4	0	0	1	1	0	5	2	1	12	4	1	17	0	0	9
MALE	0	0	7	3	0	20	1	0	14	0	0	6	1	0	10	2	0	13	2	1	10	0	1	8
1979																								
FEMALE	1	0	12	2	0	24	6	0	18	1	0	5	1	1*4	14	4	0	17	4	1	27	2	2**	15
MALE	1	0	12	2	0	34	6	1*6	24	2	0	16	2	1*4	19	1	2	20	3	2	29	2	1	15
1980																								
FEMALE	1	0	10	2	0	19	0	0	14	2	0	11	1	1	14	1	2	10	5	0	16	3	1	13
MALE	0	0	10	0	0	22	1	1	15	0	0	9	1	0	10	3	1	25	3	0	24	3	0	19
1981																								
FEMALE	1	0	10	2	0	15	1	0	11	2	0	15	3	0	17	2	1	16	2	1	13	2	0	13
MALE	2	0	9	0	0	24	2	0	17	0	0	9	2	0	14	3	0	27	2	0	18	1	0	17

* MORE THAN THREE PLACEMENTS. IN EACH OF THESE, THE NUMBER FOLLOWING THE ASTERISK INDICATES THE NUMBER OF PLACEMENTS FOR THIS JUVENILE.

** ONE OF THESE WAS THREE PLACEMENTS; ONE WAS FOUR PLACEMENTS.

The figures in the table above show maximum multiple placements of about 30% in a few circuits. The seventh circuit shows such maximums in fiscal 1978 and 1980, the third and the eight circuits in fiscal 1979, and the sixth and the eighth in fiscal 1980. Multiple placements in fiscal 1981 appear markedly lower.

TABLE 3

SUMMARY OF COSTS OF PLACEMENT

	FISCAL YEAR 1978					FISCAL YEAR 1979					FISCAL YEAR 1980					FISCAL YEAR 1981				
	GROUP HOME		FOSTER HOME			GROUP HOME		FOSTER HOME			GROUP HOME		FOSTER HOME			GROUP HOME		FOSTER HOME		
CIRCUIT	AMOUNT	%	AMOUNT	%	TOTAL	AMOUNT	%	AMOUNT	%	TOTAL	AMOUNT	%	AMOUNT	%	TOTAL	AMOUNT	%	AMOUNT	%	TOTAL
FIRST	35,333	98	725	2	36,058	94,031	95	4,695	5	98,726	63,638	98	1,405	2	65,043	70,595	99	862	1	71,457
SECOND	133,792	94	8,488	6	142,280	233,972	96	8,860	4	242,832	193,591	98	4,358	2	197,949	221,260	99	1,369	1	222,629
THIRD	47,675	91	4,818	9	52,493	47,508	72	18,235	28	65,743	84,458	86	13,899	14	98,357	74,614	88	9,908	12	84,522
FOURTH	18,295	92	1,643	8	19,938	40,267	86	6,358	14	46,625	65,023	98	1,545	2	66,568	68,824	96	2,873	4	71,697
FIFTH	39,401	97	1,140	3	40,541	94,641	93	7,370	7	102,011	50,603	93	3,737	7	54,340	91,622	95	4,727	5	96,349
SIXTH	65,794	94	4,366	6	70,160	129,370	96	5,879	4	135,249	120,253	96	4,734	4	124,987	156,917	95	8,293	5	165,210
SEVENTH	62,105	99	756	1	62,861	156,869	97	5,265	3	162,134	135,345	99	1,461	1	136,806	151,458	98	2,387	2	153,845
EIGHTH	35,663	88	4,853	12	40,516	67,209	85	11,974	15	79,183	125,672	92	11,218	8	136,890	124,967	94	8,214	6	133,181
TOTAL	438,058	94	26,789	6	464,847	863,867	93	68,636	7	932,503	838,583	95	42,357	5	880,940	960,257	96	38,633	4	998,890

TABLE 4.

SUMMARY OF PLACEMENTS

	FY 1978		FY 1979		FY 1980		FY 1981	
	FOSTER HOME	GROUP HOME	FOSTER HOME	GROUP HOME	FOSTER HOME	GROUP HOME	FOSTER HOME	GROUP HOME
FIRST CIRCUIT								
FEMALE DELINQUENT	1	1	2	1	0	0	1	3
MALE DELINQUENT	0	5	0	8	0	6	0	3
FEMALE CHIN	1	5	1	8	2	8	0	6
MALE CHIN	0	2	1	3	0	4	1	5
TOTAL	2	13	4	20	2	18	2	17
SECOND CIRCUIT								
FEMALE DELINQUENT	0	3	1	6	2	3	0	4
MALE DELINQUENT	2	9	2	18	1	14	0	11
FEMALE CHIN	1	9	2	15	2	12	1	10
MALE CHIN	3	6	3	11	0	7	0	13
TOTAL	6	27	8	50	5	36	1	38
THIRD CIRCUIT								
FEMALE DELINQUENT	0	1	1	3	0	2	0	1
MALE DELINQUENT	3	4	4	7	6	3	4	6
FEMALE CHIN	1	2	9	5	5	7	4	6
MALE CHIN	1	6	6	7	3	3	1	6
TOTAL	5	13	20	22	14	15	9	19
FOURTH CIRCUIT								
FEMALE DELINQUENT	0	1	1	3	0	4	0	5
MALE DELINQUENT	1	4	3	7	0	3	0	5
FEMALE CHIN	0	0	0	1	2	5	3	7
MALE CHIN	0	1	3	3	2	4	0	4
TOTAL	1	6	7	14	4	16	3	21
FIFTH CIRCUIT								
FEMALE DELINQUENT	1	0	3	4	2	5	1	3
MALE DELINQUENT	0	8	0	12	0	6	0	10
FEMALE CHIN	1	3	2	5	2	5	4	9
MALE CHIN	0	2	3	4	2	2	2	2
TOTAL	2	13	8	25	6	18	7	24
SIXTH CIRCUIT								
FEMALE DELINQUENT	0	4	1	3	0	0	2	6
MALE DELINQUENT	1	6	2	14	1	20	2	3
FEMALE CHIN	3	5	4	9	4	6	5	3
MALE CHIN	1	5	1	3	1	3	0	22
TOTAL	5	20	8	29	6	29	9	34
SEVENTH CIRCUIT								
FEMALE DELINQUENT	0	12	1	15	1	6	0	0
MALE DELINQUENT	1	7	1	19	1	17	1	13
FEMALE CHIN	2	3	2	9	1	8	2	11
MALE CHIN	0	2	2	7	1	5	0	4
TOTAL	3	24	6	50	4	36	3	28
EIGHTH CIRCUIT								
FEMALE DELINQUENT	2	0	2	2	2	1	2	1
MALE DELINQUENT	3	4	4	8	3	10	2	12
FEMALE CHIN	1	6	5	6	3	7	3	7
MALE CHIN	0	1	1	2	2	4	1	2
TOTAL	6	11	12	18	10	22	8	22

TABLE 5. SUMMARY OF COSTS FOR ADDITIONAL SERVICES

Circuit	FY 78	FY 79	FY 80	FY 81
1st -	$ 828.38	$ 374.45	$ 238.03	$ 205.26
2nd -	7,681.85	3,821.80	851.94	1,648.36
3rd -	3,078.87	3,069.34	5,095.33	753.12
4th -	496.36	1,482.77	-0-	128.97
5th -	1,761.19	2,321.42	344.64	1,513.83
6th -	1,249.31	1,876.73	2,086.67	2,895.47
7th -	1,379.82	6,982.56	2,899.81	3,138.16
8th -	1,766.89	2,139.77	7,307.76	4,112.50
TOTALS:	$18,242.67	$22,068.84	$18,824.18	$14,395.67

These costs include the total of evaluation/counseling, medical, prescriptions, dental, and optometry expenditures.